



IMPrensa Nacional de Moçambique, E.P. P.

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SUMMARY

Council of Ministers:

Decree no. 12/2023:

Establishes social security benefits for individuals demobilised under the Accord for Peace and National Reconciliation, approved by Law No. 11/2019, September 12.

COUNCIL OF MINISTERS

Decree no. 12/2023
of April 4

Given the need to ensure the materialisation of the socio-economic reintegration of the individuals demobilised under the Accord for Peace and National Reconciliation, pursuant to Law 11/2019, of September 12, article 2, under article 203, 1 (f) of the Constitution of the Republic, decrees:

ARTICLE 1 (Subject-Matter)

The purpose of this Decree is to guarantee the social security of the individuals demobilised under the Accord for Peace and National Reconciliation, approved by Law no. 11/2019, of September 12.

ARTICLE 2 (Material Scope)

The social security benefits to be granted under this Decree cover the social reinsertion bonus, the retirement pension, the disability pension, the survivor's pension and the death grant.

ARTICLE 3 (Social reintegration bonus)

1. The individual demobilised under the Peace and National Reconciliation Agreement shall be entitled to a social reintegration bonus calculated on the amount of the salary corresponding to the military rank, in force on the date of the Accord for Peace and National Reconciliation Agreement, for the permanent staff.

2. The reintegration bonus is awarded to the individual demobilised within the scope of the Accord for Peace and National Reconciliation, who, not fulfilling the requirements for a retirement pension, has served in the military service for a period equal to or longer than 3 years.

ARTICLE 4 Calculation of the social reintegration bonus

1. The social reintegration bonus is calculated based on the following formula:

$B = V \times T/35$, where:

B - Social reintegration bonus;

V - Salary corresponding to the military rank in force on the date of the Accord, for permanent staff military personnel;

T - Time of military service.

2. The length of service to be considered for the calculation of the social reintegration bonus is set at 10 years.

ARTICLE 5 (Retirement pension)

The retirement pension is awarded to the individual demobilised under the Accord for Peace and National Reconciliation with a length of service equal to 10 years or more.

ARTICLE 6
(Calculation of retirement pension)

The retirement pension is calculated based on the following formula:

$P = V \times T/35$ where:

P - Retirement pension;

V - Salary corresponding to the military rank in force on the date of the Accord, for permanent staff military personnel;

T - Time of military service.

ARTICLE 7
(Disability Pension)

1. The individual demobilised within the scope of the Accord for Peace and National Reconciliation is entitled to a disability pension when he/she has contracted permanent partial or total disability equal to or greater than 20%, regardless of the length of military service, provided that the disability results from an accident during or in connection with military operations.

2. The incapacity of the demobilised person shall be assessed by the Military Medical Board established in accordance with the specific Regulations of the Military Health Services.

3. The Medical Board referred to in paragraph 2 of this Article may also be issued by the Provincial Board of Health in those places where there is no hospital of the Military Health Service.

4. The Medical Board must be approved by the Minister of National Defence.

ARTICLE 8
(Calculation of disability pension)

The disability pension is calculated based on the following formula:

$P = V + (SMN \times \text{Degree of Impairment})$, where:

P - Disability pension.

V - Salary corresponding to the military rank in force on the date of the Accord, for permanent staff military personnel;

SMN - Minimum wage in force on the date of the Accord, for the Civil Service;

Degree of Impairment - percentage of contracted disability indicated on the Military Medical Board Map.

ARTICLE 9
(Supplementary Disability Benefit)

The person demobilised from the process of disarmament, demobilisation and socio-economic reintegration, within the scope of the Accord for Peace and National Reconciliation, who is disabled, has been recognized as having a disability equal to or above 90% and needs the services of a carer, is granted, in addition to the pension, a benefit known as the Supplementary Disability Benefit.

ARTICLE 10
(Calculation of Supplementary Disability Benefit)

The Supplementary Disability Benefit additional to the Disability Pension for a carer on the basis of the following formula:

$PSI = SMN \times \text{Degree of Impairment}$, where:

PSI - Supplementary Disability Benefit;

SM - Minimum wage in force on the date of the Accord, for the Civil Service;

Degree of Impairment - percentage of contracted disability indicated on the Military Medical Board Map.

ARTICLE 11
(Reference salary)

The pensions, bonuses and allowances referred to in this Decree are calculated based on the corresponding salaries, for the categories or ranks that were in effect when Law No. 11/2019, of September 12, came into effect.

ARTICLE 12
(Commencement of proceedings)

1. In order to file for the award of the retirement pension or social rehabilitation bonus, the beneficiary must submit the following documents:

- a) Application addressed to the National Institute of Social Welfare;
- b) DDR card;

- c) declaration of length of service;
- d) unique tax identification number (NUIT); and
- e) notarized copy of the identity card.

2. To file the disability pension application, the applicant shall attach, in addition to the documents referred to in paragraph 1 of this article, the Military Medical Board Map.

**ARTICLE 13
(Survivor's Pension)**

On the death of a demobilised person entitled to a rehabilitation bonus or pension, his/her family members shall be entitled to a survivor's pension, corresponding to 75% of the value of the pension or bonus to which the deceased demobilised individual was entitled.

**ARTIGO 14
(Family Members entitled)**

1. The following persons are entitled to claim the survivor's pension:

- a) the surviving spouse, where there is no legal or de facto separation, including the unmarried partner;
- b) the spouse who is divorced or legally separated from people and property and is receiving alimony fixed or homologated by court; and
- c) unmarried children or adopted children under the age of 18 or, if they are students, up to the age of 22 or 25 when they are successfully attending, respectively, secondary, higher or equivalent education and those who suffer from total or permanent incapacity for work, as well as unborn children.

2. Grandchildren are eligible for the survivor's pension, provided the same conditions as set out in paragraph 1(c) of this article are met and they are:

- a) orphans of father and mother;
- b) orphans of one of the parents, when the surviving parent suffers from total permanent incapacity to work or has no means to provide for his/her support; and
- c) grandchildren whose parents are absent in an unknown place and who do not provide for their support.

3. The ascendant who was living exclusively under the responsibility of the deceased demobilised person, if his/her

income or that of his/her spouse does not exceed the minimum wage, is also eligible for the survivor's pension.

The beneficiaries referred to in number 1 of this article shall enjoy preference over those described in numbers 2 and 3 of this article.

**ARTICLE 15
(Commencement of proceedings)**

1. The process for granting the survivor's pension is initiated with the following documents:

- a) application addressed to the National Institute of Social Welfare, requesting the fixation of the pension;
- b) notarised photocopy of the applicant's identity card;
- c) death certificate;
- d) photocopy of the DDR card;
- e) declaration of length of service;
- f) document proving the applicant's unique tax identification number (NUIT);
- g) document proving the kinship;
- h) document proving total and permanent incapacity for work issued by the National Board of Health, in the case of unmarried and adopted children, aged over 18, when these are incapacitated; and i) document proving high school or college attendance, respectively, issued by the school they are attending, for children, including unmarried adopted children, aged 18 to 22 and 25, depending on the level of education they are attending.

2. The kinship referred to in paragraph g) of number 1 of the present article is proven through the following documents:

- a) marriage certificate, in the case of spouse;
- b) certificate of non-marital partnership issued by the competent registry office, under the terms of the family law;
- c) certificate of cohabitation for the cases mentioned in the previous paragraphs;
- d) birth certificate, in the case of a child;
- e) birth certificate of the demobilised individual, in the case of ascendants;

3. In the case of ascendants, it is also necessary to produce a document issued by the competent administrative authority

certifying that they were living under the exclusive responsibility of the deceased demobilised person.

4. For the case of grandchildren, it is mandatory to produce:
- a) death certificate of the father and mother; or
 - b) death certificate of the father or mother and document proving that the surviving parent suffers from total or permanent incapacity for work issued by the National Board of Health; or
 - c) a document issued by the competent administrative authority certifying that the parents are absent in an unknown place and do not provide for the support of the grandchildren.

5. If the children referred to in paragraph 4 of this article are over 18 years of age, proof of school attendance referred to in paragraph 1 i) of this article must also be provided

6. For the case of the divorced spouse or that legally separated from a partner in a non-marital partnership with alimony benefits, the following must be provided:

- a) the certificate of divorce or legal separation; and
- b) the court document proving that they are receiving alimony.

7. In the case of a deceased demobilised individual who is the beneficiary of a bonus or pension, the documents referred to in paragraphs d) and e) of paragraph 1 of this article shall not be required.

ARTICLE 16
(Death grant)

On the death of an individual demobilised under Accord for Peace and National Reconciliation entitled to a retirement pension, social reinsertion bonus or disability pension, the members of his family shall be entitled to a death grant, corresponding to six months of the value of the pension he/she was receiving or would have been receiving at the time of his/her death.

ARTICLE 17
(Family Members entitled)

1. The death grant is paid in the following order of precedence:
- a) the surviving spouse, where there is no legal or de facto separation, including the unmarried partner;
 - b) lineal descendants; and

c) lineal ascendants.

2. The deadline for submitting a claim for death grant is one year, counting from the date of death.

ARTICLE 18
(Responsibility)

1. It is incumbent upon the Ministry of Combatants to commence the proceedings for fixing the pensions, bonuses and allowances referred to in this Decree.

2. It is incumbent upon the National Institute of Social Welfare to fix and pay the pensions, bonuses and allowances provided for in the present Decree.

ARTICLE 19
(Non-cumulative pensions)

The social reinsertion bonus is not cumulative with retirement pension, disability pension or old-age pension.

ARTICLE 20
(Effectiveness)

This Decree takes effect from the date when the conclusion of the disarmament and demobilisation process is confirmed, by means of a report prepared by the entity responsible for its materialisation.

ARTICLE 21
(Entry into force)

This Decree enters into force on the date of its publication. Approved by the Council of Ministers on March 21, 2023.

To be published.

The Prime Minister, Adriano Afonso Maleane.